IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Crl.Rev.Pet.No. 61 of 2000()

CRA.137/1997 of II ADDL.SESSIONS COURT, KOLLAM
CC.390/1995 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM
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REVN. PETITIONER:

SALAHUDEEN VAIDYAR,
VARANATTUVILA VEEDU
AYATHIL P.O., KOLLAM

BY ADV. SRI.V.N.ACHUTHA KURUP
SRI.B.S.SWATHY KUMAR

RESPONDENTS:
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1. JYOTHI PRASAD, JYOTHIS,
PINNACKEL CHERI,
THATTAMALA, KOLLAM

2. STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.N.CHITHEMBARAM
SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 61 OF 2000

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Dated this the 8th day of February 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act. The trial court convicted the accused to undergo simple imprisonment for one year and to pay a fine of Rs. 75,000/- and in default to undergo simple imprisonment for three months. The appellate court modified the sentence to simple imprisonment for three months and to pay a fine of Rs. 70,000/- and in default to undergo simple imprisonment for two months.

2. Evidently, both the courts are not competent at the time when the sentence was passed to impose fine amount to the above extent. It was also submitted that the matter has been settled. In the circumstances, the sentence imposed is set aside. The matter is remitted back to the Judicial First Class Magistrate Court, Kollam for reconsidering the sentence imposed and for

getting the matter compounded if the matter has been settled. The parties shall appear before the court below on 28.02.2007.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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